IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4179 of 1996

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJNIKANT S DEVMURARI

Versus

DIST SUPERINTENDENT OF POLICE

Appearance:

1. Special Civil Application No. 4179 of 1996

MR YN RAVANI for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-2

Ms. Mita S. Panchal AGP for Respondent No. 3

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 18/12/2004

ORAL JUDGEMENT

1. The challenge made by the petitioner in this petition under Article 226 of the Constitution of India is against an order transferring the petitioner from Amreli Police Station to Dhandhuka Police Station, on the ground that the petitioner, being a Class IV employee, was not required to be transferred to another district and such action of the Authority was unreasonable and arbitrary and violative of Article 14 of the Constitution

of India.

2. By order dated 10th September 1996, this Court issued Rule and passed an ad-interim order, as under:

> "By way of ad-interim order, it is directed that the respondent No.2 shall consider the claim of the petitioner for retransfer to his parent district, that is, District Amreli, within a period of eight weeks from the date of receipt of copy of this order. Decision of the respondents thereon shall be communicated to the petitioner forthwith."

3. Today, when the matter is called out, the learned Assistant Government Pleader, Ms. Panchal, has submitted that, by order dated 18th November 1999, the petitioner was removed from service and, therefore, the directions given by this Court by way of interim order are no more required to be implemented since the petitioner is not in active service.

4. In view of the statement made by the learned Assistant Government Pleader, Ms. Panchal, the subject matter of the present petition does not require to be adjudicated further, since no cause of action survives as on date. Therefore, Rule is discharged. The interim order is vacated. There shall be no order as to costs.

(Anant S. Dave, J.)
(swamy)